

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MICHAEL CHAVIS,

Plaintiff,

-against-

9:00-CV-01418
(LEK/DEP)

GLENN S. GOORD, *et al*,

Defendants.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on August 17, 2007 by the Honorable David E. Peebles, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3 of the Northern District of New York. Report-Rec. (Dkt. No. 60). After ten days from the service thereof, the Clerk has sent the entire file to the undersigned, including the objections by Plaintiff Michael Chavis, which were filed on September 4, 2007. Objections (Dkt. No. 61).

It is the duty of this Court to “make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” 28 U.S.C. § 636(b). “A [district] judge... may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” *Id.* This Court has considered the objections and has undertaken a de novo review of the record and has determined that the Report-Recommendation should be approved because, as stated therein, Plaintiff did not sufficiently exhaust his administrative remedies. Though Plaintiff may have provided substantive notification of his claims

to Defendants during his disciplinary hearings, he “did not fulfill his obligation to procedurally exhaust available remedies with regard to those claims.” Report- Recommendation (Dkt. No. 60) at 24.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 60) is **APPROVED** and **ADOPTED** in its **ENTIRETY**; and it is further

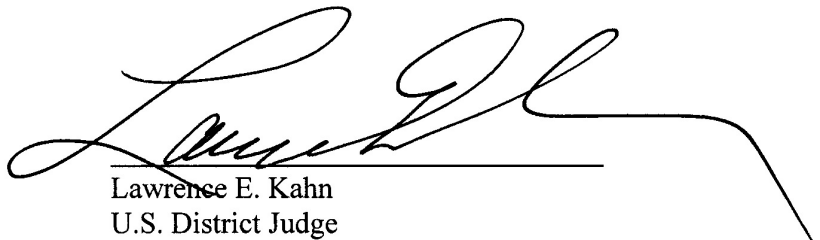
ORDERED, that Defendants’ Motion for summary judgment is **GRANTED**; and it is further

ORDERED, that Plaintiff’s Complaint be **DISMISSED**, without prejudice; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: September 30, 2007
Albany, New York



Lawrence E. Kahn
U.S. District Judge